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Fifty-second session
Item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Letter dated 20 March 1996 from the Permanent Representative of the Republic of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

On 1 March 1996, the House of Representatives of the Croatian Parliament adopted a Declaration stating that the issue of missing and imprisoned persons and persons taken away by force is a political issue of primary importance for the Republic of Croatia. A copy of the Declaration is provided in the Annex* to the present letter. The status of these persons, especially those who disappeared in 1991, has not been clarified and continues to be a matter of utmost concern for the Republic of Croatia, and especially for the families of these persons.

The Foreign Ministers of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) signed an Agreement on Cooperation in the Search for Missing Persons. However this has not achieved any meaningful results, largely owing to the intransigence of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). It is because of this lack of progress that the Republic of Croatia would like to bring the issue of missing persons in the Commission on Human Rights again this year. Despite improvements in relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Motenegro), bilateral discussions alone on the subject of missing persons have not borne fruit and a multilateral approach is, therefore, necessary to resolve this problem.

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* The annex is reproduced as received, in the original language only.

Discovering the fate of these persons is critical in the implementation of the Dayton peace agreement, and especially to the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sermium in the Republic of Croatia. In this specific region, ensuring protection of mass grave sites, such as the one at Ovčara, and beginning the process of exhumation, would be helpful.

Another measure which would facilitate the search for missing persons in Croatia consists of establishing a regional centre for this purpose in Vukovar. Furthermore, the proposal by expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, that a multilateral commission be established to speed up the exchange of information on missing persons, would also be of great assistance.

In conclusion, it is necessary to discover the fate of the missiong persons in the Republic of Croatia not only in order to alleviate the suffering of their families and loved ones, but also to contribute to the process of peace in the Republic of Croaitia and in the entire region.

I would be grateful for your kind assistance in circulating the text of the present letter and its annex as a document of the Fifty-second Commission on Human Rights under agenda item 8 (c) - Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular question of enforced and involuntary disappearances.

Signed: Neven Madey
Ambassador
Permanent Representative

ANNEX

After the discussion of 28 February 1996 on the Croatian Government's Report on the Search for Croatian Soldiers and Civilians, Missing, Taken Away by Force or Imprisoned, conducted in 1994 and 1995, the House of Representatives of the Croatian Parliament adopted in its session of 1 March 1996 the following

DECLARATION

The issue of missing and imprisoned persons and persons taken away by force is the most painful humanitarian and the most important political issue in the Republic of Croatia. Since the Serbian aggression against Croatia, there are 3,792 missing persons, of whose fate nothing is known. Most of them disappeared during the barbarious destruction and occupation of Vukovar.

Despite great efforts by the Croatian Government, the Government's Commission for Imprisoned and Missing Persons and the associations of families of persons missing, imprisoned and taken away by force; the fate of these persons, particularly those who disappeared in 1991, has not yet been clarified. Many members of these families have fallen seriously ill, and the insecurity is directly damaging their health. This is the reason why the search for persons taken away by force and the clarification of the fate of missing persons was an issue of upmost concern for the Croatian delegation during the negotiations in Dayton and during the search for an overall peaceful solution for former Yugoslavia. It has also been raised during numerous bilateral talks.

These efforts have resulted in the signing of the Agreement on Cooperation in the Search for Missing Persons by the foreign ministers of the Republic of Croatia and the so-called Federal Republic of Jugoslavia. However, despite of its clear commitment within this Agreement, the Serbian side has not done anything to fulfil it.

The Croatian Parliament recalls that the Serbian side keeps suspending negotiations on the exchange of prisoners and missing persons in order to exert a political pressure and, by refusing to admit the presence of prisoners in prisons under its control, obstructs the process of prisoners exchange and opposes the main principles of the Dayton peace agreement. In order to solve this problem, support by the entire international community is necessary. The Croatian Parliament requested from the Transitional Administration for Eastern Slavonia, Baranja and Srijem to make the issue of imprisoned and missing persons of the upmost priority in the implementation of UNTAES mandate and suggested that a Regional Centre for the protection of human rights of persons imprisoned, missing and taken away by force - "Vukovarske majke" ("Vukovar Mothers") -to be established in Vukovar. The Croatian Parliament supports the proposal of the UN Special Envoy for Missing Persons, Mr. Manfred Nowak, to establish a multilateral commission to speed up the exchange of information on missing persons.

It is the position of the Republic of Croatia that all future negotiations with the so-called SRY must primarily solve the issue of persons who disappeared or were imprisoned during the recent war in the Republic of Croatia. Without a solution to that issue the peace process for former Yugoslavia is not possible.

The Croatian Parliament commits the Ministry of Foreign Affairs of the Republic of Croatia to approach the United Nations Secretary-General again and ask for assistance in solving the biggest humanitarian problem in the Republic of Croatia. When passing a document on human rights situation in Croatia, the United Nations should bear in mind and express an opinion on the human

rights of persons who disappeared during the aggression against Croatia and of thousands of people who are still looking for the truth as to their dearest.

The Croatian Parliament commits the Government to mark appropriately the sites of mass graves and the sites where bodies of Croatian soldiers and civilians were exhumed. It is essential to secure additional teams to identify the remains, and therefore the Parliament requests the provision of additional funds for the work of the Government's Commission for Imprisoned and Missing Persons. A representative of the Parliament should also participate in the work of the Commission. For the purpose of better public information, the Parliament commits the Government to inform the Parliament on the work of the Government's Commission within three months.

The Parliament of the Republic of Croatia calls upon the United Nations and all its human rights organizations, as well as the parliaments of all democratic countries, to raise their voice in the name of humanism and international humanitarian law for the protection of these people, whose fate is unknown, and to exert further pressure upon the so-called SRY to cooperate in solving these issues.

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Zagreb, 1 March 1996

HOUSE OF REPRESENTATIVES
OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

CHAIRMAN
OF THE HOUSE OF REPRESENTATIVES

Vlatko Pavletić

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